

MINUTES
Town of Westfield Board of Adjustment
June 10, 2019

The Westfield Board of Adjustment met on Monday, June 10, 2019, at the Westfield Municipal Building, 425 East Broad Street, Westfield, New Jersey.

In compliance with Chapter 231 P.C. OPEN PUBLIC MEETINGS ACT of the State of New Jersey, adequate notice of this meeting was provided by posting on the public bulletin board and publication in the newspapers that have been designated to receive such notice: the Westfield Leader and the Star Ledger.

REGULAR MEETING:

Chairman Masciale opened the meeting by calling all present to join in the Pledge of Allegiance to the Flag.

ROLL CALL: Chris Masciale, Frank Fusaro, Robert Benacchio, Carla Bonacci, Allyson Hroblak, Mary Doyle
ABSENT: Eldy Pavon, Matt Sontz, James Keenoy
Also present: Diane Dabulas, Esq., Donald Sammet, Town Planner and Linda Jacus, Board Secretary

ADOPTION OF MINUTES:

Chairman Masciale called for a motion to adopt the minutes of the May 13, 2019, meeting. Frank Fusaro made a motion to adopt the minutes; Robert Benacchio seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Robert Benacchio, Allyson Hroblak, Mary Doyle
OPPOSED: None
ABSTAINED: Carla Bonacci
ABSENT: Eldy Pavon, Matt Sontz, James Keenoy

Motion carried.

ADOPTION OF RESOLUTIONS:

Chairman Masciale called for a motion to adopt the following resolutions for applications acted upon at the May 13, 2019, meeting:

Pradip & Rehka Paul, 122 Livingston Street, application approved with conditions.
MJ Builders, LLC., 15 Amy Drive, application approved with conditions.
Kara Goldman, 1024 Harding Street, application approved with conditions.

Robert Benacchio made a motion to adopt the resolutions; Frank Fusaro seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Robert Benacchio, Allyson Hroblak, Mary Doyle

OPPOSED: None
 ABSTAINED: Carla Bonacci
 ABSENT: Eldy Pavon, Matt Sontz, James Keenoy

Motion carried.

Chairman Masciale stated that the vote of any Board Member on the full set of memorializing resolutions would not be construed to include participation by any member in voting on any resolution for which s/he did not vote, nor did not vote in favor of the action taken by the Board (pursuant to N.J.S. §40:55D-10g).

Chairman Masciale made the following announcement:

The following applications have been carried to the July 8, 2019, meeting:

Walter Bonilla, 1002 Ripley Avenue
Alan Gibbemeyer 521 Carleton Road
Gurinder Singh, 317 Belmar Place

CARRIED FROM MAY 13TH:

YMCA, 138 Ferris Place & 220 Clark Street

1/3/2019

Applicant is seeking approval to use the adjacent rear yards of three, single family homes owned by the applicant for employee parking contrary to Section 11.12A, 11.12E11, 13.02B2, 17.03C3, 17.05B, 17.07, 13.01A, 17.02A3, 11.12E14 of the Land Use Ordinance. Ordinance allows parking for a residential use. Proposed is parking for a non-residential use. Ordinance allows a maximum coverage by improvements of 20% for lot 20 and 50% for lots 17, 18, and 19. Proposed is 64.5% for lot 17, 81.1% for lot 18, 77.3% for lot 19, and 77.4% for lot 20. Ordinance allows a maximum floor area for a shed of 150 square feet. Proposed is floor area of 400 square feet for lot 17. Ordinance requires parking areas and driveways to be set back a minimum of 10 feet from any abutting property located in any residential zone. Proposed is parking located less than 10 feet from abutting properties located in a residential zone. Ordinance requires driveways to be at least 10 feet in width. Proposed driveway width is 9.1 feet. Ordinance requires all parking, loading areas, and driveways to be curbed with granite block curbing. Proposed is no curbing. Ordinance requires all accessory buildings, structures, and uses to be located on the same lot as the principle structure. Proposed is shed on lot 17 to serve lots 17, 18, 19, and 20. Ordinance requires 2 parking spots for each lot/a residence with 3 bedrooms. Proposed are 7 spots on lot 17, 9 spots on lot 18, 7 spots on 19. Ordinance requires a one-car garage. Proposed is no garage for lot 17, but the construction of a shed. **Application deemed complete on March 12, 2019. 120 day decision date is July 10, 2019.**

John Schmidt, Esq. (53 Cardinal Drive) appeared on behalf of the applicant. He stated there are a number of variances associated with the application which are existing non-conforming and are looking to be continued. The current building has existed on this site since the 1920s, and parking has always been a major issue. This application is an attempt to alleviate some of the parking concerns and manage the parking in a better manner, while maintaining the residential character of Ferris Place and the look of the neighborhood.

Chairman Masciale swore in Mark Elsasser, Chief Executive Officer of the YMCA. Mr. Elsasser stated he has been CEO for 17 years, and there are about 10,000 members. There has been ongoing construction since 2012, which includes updating the building and making it more ada accessible. This application was necessitated because a violation was issued by the Zoning

Officer. The back lot is being used as a staging space for a couple of construction projects. Once the construction is completed at the end of the summer, this space will be used for more permanent parking. Our parking lot has 84 parking spaces, and we also lease a few spots from the Bank of America. Mr. Elsasser stated we are always looking to add more parking so we purchased 111 Ferris Place, which came with 6-8 parking spaces. The YMCA is the owner of record for the three properties at 126, 128 and 132 Ferris Place, which are lots 17, 18, 19. Those properties are residences used for housing of key personnel who are on call 24/7. The three properties do not have garages and there are three sheds on lot 17. The three sheds will be removed and replaced with one large shed, which will be used for storage, and will be about 400 square feet. The proposed parking on lots 17, 18, and 19 will be for staff members only. Mr. Schmidt marked Exhibit A-1, a set of 11 photos, and went through the exhibit with Mr. Elsasser. The photos represent the existing conditions on the site. The hours of operation are from 5am to 10:30pm, and there is a total of 430 staff members, which are not there all at one time and are at different locations. There is anywhere from 15-30 staff that come in at one time so being able to use these lots for parking would allow us to have parking for 15 employees.

Open to the public for questions.

Francis Paulino (134 Ludlow Place) asked about the growth of the YMCA and why they did not address the need for more parking during the current renovations; he also asked how much more do they intend to grow their membership.

Closed to public questions.

Chairman Masciale swore in Thomas Quinn (328 Park Avenue, Scotch Plains). The Board accepted Mr. Watson's credentials as a licensed engineer.

Mr. Watson went through the plans with the Board. He stated we are talking about 4 lots which are located in RM-6 zone. The YMCA property itself is located on lot 20, which is 51,000 square feet, and lots 17-19 range from 5,500 square feet to 8,000 square feet. Lots 17, 18, 19 each contain a 2 1/2 story dwelling, and there are two driveways that access the rear area of these three lots, which leads to an impervious surface used for parking. Three sheds are on lot 17 and there is another shed is on lot 19. We are showing 7 striped parking stalls, but there have been as many 20 vehicles parked in this area. The proposed site plan will use the existing driveways, which are substandard so we created a one-way circulation area. The proposed parking area would be located primarily on lots 17, 18, and 19, with a small portion extending onto lot 20. A total of 23 parking spaces are proposed. Parking spaces measure either 9 feet by 18 feet with a 2-foot overhang, or 9 feet by 20 feet in accordance with ordinance requirements. The aisles within the parking lot also meet the requirement of 24 feet of width. A single monument sign would be located at the driveway entrance to the parking area to identify the parking area as being for exclusive use by staff. The four sheds will be eliminated and one shed is proposed which will not interfere with parking. The impervious coverage has been reduced by 1,400 square feet, and the drainage pattern proposed will mimic the existing drainage pattern. At the edge of the proposed new pavement, a french drain is proposed in lieu of curbing so when the water sheds off the parking lot, it will be directed to the french drain. The new lighting will include the installation of 3.5-foot bollard lights along the driveways, and pole mounted fixtures within the parking area. The applicant proposes rows of evergreen arborvitae on the easterly and northerly sides of the parking area. Some additional plantings are proposed behind the new storage shed. There is fencing around portions of the

parking area, including some fencing which is to be relocated. A single trash enclosure is located on lot 20, and the enclosure will consist of a 6-foot-tall stockade fence.

Open to the public for questions.

John Keville (123 Ludlow Place) asked if there will enough clearance around the proposed shed.

Closed to public questions.

Chairman Masciale swore in Peter Steck (80 Maplewood Avenue, Maplewood). The Board accepted Mr. Steck's credentials as a licensed planner.

Exhibit A-2, a four-page handout was marked, and Mr. Steck stated the first page has a satellite photo of the subject property and a panoramic view looking northwest. The second and third page have photos looking northwest, northeast, across Ferris Place, across Clark Street, and has views from Ludlow Place. Page four shows the proposed parking area and shed consolidation. In 2012, the applicant received approval for a number of variances to renovate the building and provide ada accessibility. During that decision, the Board determined this to be a beneficial use, which it is still is. This application is to formalize a parking area of 23 spaces that incorporates the three abutting single-family properties owned by the applicant. One of the goals of the master plan is to preserve and protect the suburban character of the existing residential neighborhood. This area is a residential area and the application is being framed as single-family homes that are going to be in a dual use by having parking in the rear. If you drive down the street, you will not know there will be parking behind the three houses. The homes are well maintained and fit into the residential fabric. If the houses were removed it would bring a more commercial feel into the neighborhood. Some of the benefits of the application are four sheds will be reduced to one, screening will be provided by installing opaque fencing, and there will be additional landscaping. Another benefit is this provides for additional parking, which will bring less demand for on-street parking. The benefits of this project significantly outweigh any detriment. It is better to keep the houses in place; this is a residential zone where the residential character is being preserved. Mr. Steck stated this application this can be approved without substantial detriment to the public good and without substantial impairment to the master plan or zoning ordinance.

Open to public questions.

Sharon Stockwell (100 Nelson Place) asked if in the future if the applicant decides to sell the three houses, would the houses be able to sold as individual homes.

Closed to public questions.

Open to public comments.

John Keville (123 Ludlow Place) stated this application is only before this Board because some of the neighbors brought this to the attention of the town. Building permits were not applied for, and we have been looking at a construction zone for several years. The tax assessor was

approached because we are concerned about property values and feel they are being impaired. There is a parking problem on Ludlow and Nelson, and we asked the applicant to pay for curbing in 2014. Mr. Keville stated when I purchased my home, it was abutting 3 backyards with grass, and now that area is a parking lot. There are security issues with the amount of foot traffic coming in and out of that area. This is a residential zone, and I have house that is next to a parking lot.

Jim Boyes (122 Ferris Place) stated he is greatly affected by this application. There has been a steady flow of large construction equipment on the property for the last 6-7 years, and this is a real detriment to the neighborhood. He stated he is concerned about the storage of construction materials on the property. There has been some clean up on the site, but there is still a lot of debris out there. Some materials have been dumped along the fence line and have spilled onto surrounding properties. Mr. Boyes asked if some limitations on outside storage can be imposed on the applicant.

Sharon Stockwell (100 Nelson Place) stated we have parking issues in the neighborhood, and when you live next to a commercial use, there is constant lights, noise, and rodents. A lot of commuters park on our street and walk to the train station. People park on top of the curb, and all the curbing on Ludlow Place is eroded from the cars being parked on top of it. We would like to preserve our corner of the neighborhood, and if you look at this property from the backyards of my neighbors, it is not pleasant. This an intensive use of this property and the application should be denied.

Ed Korecky (207 Charles Street) stated this is a residential zone, and the neighbors do not view this area as anything other than residential. This parking lot is a temporary fix for the parking problem that the applicant brings to the neighborhood. We should be looking at a larger solution. The applicant provides a beneficial use to the community, but the parking issue is not being addressed properly by the applicant.

Closed to public comments.

John Schmidt stated the property is not in its best condition, as it has been going through major renovations, and what has happened over the past year is a result of major construction ongoing in that back area. The parking conditions on site have not changed over the years, and the applicant is looking at ways to correct it. The applicant has obtained the proper permits for the work taking place, and the applicant is attempting to be a good neighbor by making this a more accessible facility, which will encroach less on the neighbors by having parking in a self-contained area behind buildings that exist. This application will further enhance the beneficial use that applicant brings to the community, and the Board should to grant the application.

The Board sympathized with the neighbors about what they had to endure since the 2012 approval with the construction being staged in the rear. It was agreed the Board appreciated the effort of the applicant by trying to clean up the back of the property and provide additional parking. The Board felt after hearing some of the neighbors speak, there should be some modifications made to plan to be more sensitive to the neighbors' concerns. It was suggested the number of parking spaces should be reduced along the rear of the lot, more screening should be

provided to create a bigger buffer zone, which would give some relief to the neighbors, and the shed location and details should be provided.

Mr. Schmidt agreed to modify the plans to satisfy some of the concerns, and asked if the application be carried.

The application was carried to the July 8th meeting.

Chairman Masciale announced the following applications are carried to the July 8th meeting:

Joseph & Lisa Rath, 437 Dudley Avenue East
Sandra Lema, 313 Myrtle Avenue
Darren Mass, 944 Wyandotte Trail
Kevin McKeown, 1907 Grandview Avenue

Guillaume & Kelly Grillon, 4 Stanley Oval

3/15/2019

Applicants are seeking approval to retain an existing one-car garage contrary to Section 11.06E14 of the Land Use Ordinance. Ordinance requires a minimum two-car garage. Proposed is a one-car garage. **Application deemed complete April 12, 2019. 120 day decision date is August 10, 2019.**

Chairman Masciale swore in Kelly Grillon and Robert Algarin (225 Lenox Avenue). The Board accepted Mr. Algarin's credentials as a licensed architect.

Mr. Algarin stated the applicants are proposing a one-story addition to the back of the house, which will include a family room, a mud room, and powder room. There are not any variances other than the existing condition of a one car garage, where the RS-12 zone requires a two-car garage. The hardship is the ordinance was changed after the house was built, and the lot size is only 9,300 square feet, where 12,000 square feet is required. We have a one-car garage and are just not building another garage. There were photos which were marked as Exhibit A-1. The photos show there is a deep driveway so there is enough room to park 2 cars.

Open to public questions and comments. None. Closed to public questions and comments.

The Board agree all zoning requirements are being met, there does not seem to be massing issue, and the lot is undersized for the zone at only 9,300 square feet.

Chairman Masciale called for a motion. Robert Benacchio made a motion to approve; Carla Bonacci seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Robert Benacchio, Carla Bonacci,
 Allyson Hroblak, Mary Doyle

OPPOSED: None

ABSTAINED: None

ABSENT: Eldy Pavon, Matt Sontz, James Keenoy

Motion carried.

Application approved.

Pedro Pizha, 612 Ripley Place

12/13/2018

Applicant is seeking approval for an addition contrary to Section 12.03D & 12.04F1 of the Land Use Ordinance. Ordinance requires a minimum front yard setback of 25 feet. Proposed is ± 6 feet. Ordinance allows a maximum building coverage of 20%. Proposed is 24.7%. **Application deemed complete April 15, 2019. 120 day decision date is August 13, 2019**

Chairman Masciale swore in Pedro Pizha, and Jeffrey Lewis (368 Broad Street, Newark). The Board accepted Mr. Lewis's credentials a licensed architect.

Mr. Lewis stated the home is an existing two-story, two-family home, and we are proposing an addition of 573 square feet to each floor. The addition will be on the right side and there are four existing non-conformities and two variances being requested. The existing non-conformities include the lot area, lot width, front yard setback, and side yard setback on the left side, which is the side we are not building on, and will remain unchanged. The two variances being requested are for the front yard setback and the building coverage. The front yard setback required is 25 feet and we are at 6 feet, and the proposed building coverage is 24.9%, where a maximum of 20% is allowed, but the lot is undersized. Mr. Lewis went through the plans with the Board. He stated the house will be resided with hardie plank siding, it will have new windows, a metal roof, and stone veneer. The addition adds two additional bedrooms, and a master bathroom to each unit. Currently there is only one bedroom for each unit, and the rooms are very small. We are trying to take an older home and update it, and make it more family friendly, but there is a hardship with the lot being undersized. The proposed front yard setback of 6 feet is more harmonious with the neighborhood.

Open to public questions and comments. None. Closed to public questions and comments.

The Board was concerned with the size of the addition and the proposed coverage. The applicant is doubling the size of each floor. The applicant was given the option to proceed or revise the plan and return to the Board. Mr. Lewis stated the application will be revised and asked if it could be carried. The application was carried to the July 8th meeting without need for further notice.

Ken Wu, 1128 Central Avenue

3/26/2019

Applicant is seeking approval to construct a circular driveway contrary to Section 17.05A of the Land Use Ordinance. Ordinance requires a minimum lot width of 80 feet for a circular driveway. Proposed is a lot width of 70 feet. Ordinance allows a maximum width of 10 feet for a circular driveway. Proposed is driveway width of 14 feet to 18 feet. **Application deemed complete April 17, 2019. 120 day decision date is August 15, 2019.**

Chairman Masciale swore in Ken Wu. Mr. Wu stated he is looking to construct a circular driveway for a safer exit because Central Avenue is extremely busy. There are about 20 homes that have a circular driveway on Central Avenue, and their lots are less than the required width of 80 feet. The proposed impervious coverage is 34.9%, where the maximum allowed is 50%. Mr. Wu stated his neighbor at 1124 Central Avenue and 1132 Central Avenue are in support of the proposed circular driveway.

Open to public comments and questions. None. Closed to public comments and questions.

The Board questioned the size of the circular driveway and how it was shown on the survey. There was discussion regarding decreasing the size of the circular driveway. It was agreed that the size would be reduced to 12 feet for the circular portion of the driveway.

Chairman Masciale called for a motion. Robert Benacchio made a motion to approve; Frank Fusaro seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Robert Benacchio, Carla Bonacci,
Allyson Hroblak, Mary Doyle

OPPOSED: None

ABSTAINED: None

ABSENT: Eldy Pavon, Matt Sontz, James Keenoy

Motion carried.

Application approved.

There being no further business, a motion to adjourn was made, seconded and carried. The meeting adjourned at 11:18pm.

Respectfully submitted,

Linda Jacus
Board Secretary